

Final Definition of Trial Court Employee

Definition:

An individual is a trial court employee if:

- A. The individual is paid from the court's budget, regardless of the funding source; and
- B. The court has the right to control the manner and means of the individual's work, which means that the court has the authority to hire, supervise, discipline, and terminate the individual.¹

If both (A) and (B) are true, the individual is a trial court employee regardless of classification or whether or not the function performed is identified in rule 810 of the California Rules of Court. If either statement (A) or (B) is not true, the individual is not a trial court employee.

Specific Inclusions and Exclusions:

This definition includes those subordinate judicial officers, that is, commissioners and referees, who meet this definition.

This definition excludes: (a) temporary employees hired through agencies; (b) jurors; (c) individuals hired by the court pursuant to an independent contractor agreement; (d) individuals for whom the county or court reports income to the Internal Revenue Service on a Form 1099 (rather than a form W-2) and therefore does not withhold employment taxes; and (e) judges, either elected or appointed.

Definitions of Terms:

- *Court's budget* is defined as funds from which the presiding judge of the court, or his or her designee, authorizes and directs expenditures. These funds include local revenues, all grants, and trial court operations funds (Lockyer-Isenberg Trial Court Funding Act of 1997, Government Code section 77009(b)).
- *Court* is defined as judges, or their appointees, who are vested with or delegated the authority to hire, supervise, discipline, and terminate.
- *Supervise* is defined as the authority to plan, direct, control, and value the work of an employee.

¹ The court's process and procedure for hiring, supervising, disciplining, and terminating the individual may involve other entities, including county personnel offices and agencies with statutory or licensing authority.

- *Discipline* is defined as a procedure such as a reprimand, demotion, suspension, reduction in pay, or termination that corrects or punishes a subordinate's behavior, such as behavior that results in poor work performance, low productivity, or violation of agency rules or regulations.